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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,788	11/17/2003	Isaac Samuel	4	2441

7590 08/23/2005

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER	
BALAOING, ARIEL A	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/714,788	SAMUEL, ISAAC	
	Examiner	Art Unit	
	Ariel Balaoing	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear as too what the limitation "at least substantially" on line 1 covers.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 5, 7, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over REED et al (US 5,926,761) in view of RAPELI (US 6,167,237).

Regarding claim 1, REED discloses a method of reporting a fault to a control unit in a network for mobile telecommunications (abstract), comprising the steps of: determining that a fault has been experienced by a mobile user terminal located within a cell served by a base station (abstract; column 2:lines 16-30; column 3:lines 25-47), at the base station: determining the location of the mobile user terminal within the cell (column 2:lines 53-65), and sending a report of the fault to the control unit [CDMA system controller] (233-Figure 2; column 2:lines 16-30), the report including information of the location within the cell served by the base station (column 2:lines 16-30; column 3:lines 25-47). However, REED does not disclose wherein fault determination is determined at the base station. RAPELI discloses wherein fault determination is determined at the base station (column 3:line 65-column 4:line 42). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify REED to include fault determination at the base station, as taught by RAPELI, as both systems relate to wireless communication systems. This is beneficial in that interference characteristics at the particular base station can be used to adjust the coverage area between two or more base stations in a network.

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. REED further discloses in which the network is a code division multiple access (CDMA) network, and the base station comprises a base transmitter-receiver unit and a base station controller (Figure 1; column 3:lines 26-48).

Regarding claim 7, REED discloses a method of adjusting the functioning of a telecommunications network by: reporting a fault to a control unit in a network for mobile

telecommunications (abstract; column 2:lines 16-30), comprising the steps of: determining that a fault has been experienced by a mobile user terminal located within a cell served by the base station (abstract; column 2:lines 16-30; column 3:lines 25-47), the base station determining the location of the mobile user terminal within the cell (column 2:lines 53-65), a base station sending a report of the fault to the control unit (233-Figure 2; column 2:lines 16-30), the report including information of the location within a cell served by the base station (column 2:lines 16-30; column 3:lines 25-47); and sending a response from the control unit to the base station, the response being an instruction to alter the functioning of the base station (abstract; column 3:lines 25-48), the response being dependent upon the type and location of the fault indicated in the report (abstract; column 3:lines 25-48). However, REED does not disclose wherein fault determination is determined at the base station. RAPELI discloses wherein fault determination is determined at the base station (column 3:line 65-column 4:line 42). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify REED to include fault determination at the base station, as taught by RAPELI, as both systems relate to wireless communication systems. This is beneficial in that interference characteristics at the particular base station can be used to adjust the coverage area between two or more base stations in a network.

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. REED further discloses in which the response is decided upon and sent automatically by the control unit (abstract; column 3:lines 25-48).

Regarding claim 9, see the rejection so the parent claim concerning the subject matter this claim is dependant upon. Although REED discloses where the fault indicated is interference (abstract), REED does not disclose in which the instruction is to reduce power of signals transmitted from the base station. RAPELI discloses in which the fault indicated is interference and the instruction is to reduce power of signals transmitted from the base station (column 4:line 59-column 5:line 20). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify REED to include an instruction to reduce power when interference is detected, as taught by RAPELI, as reducing the power of signal transmission allows the base station to establish clearer communication to wireless devices within a smaller cell area.

Regarding claim 10, REED discloses a network for mobile telecommunications comprising a base station (210, 220, 230, 240-Figure 2) and a control unit (233-Figure 2), including means operative to determine that a fault has been experienced by a mobile user terminal located within a cell served by the base station (abstract; column 2:lines 16-30), means operative to determine the location of the mobile user terminal within the cell (column 2:lines 53-65), and means to send a report of the fault to the control unit (233-Figure 2; column 2:lines 16-30), the report including information of the location of the mobile user terminal within the cell served by the base station (column 2:lines 16-30; column 3:lines 25-47). However, REED does not disclose wherein fault determination is determined at the base station. RAPELI discloses wherein fault determination is determined at the base station (column 3:line 65-column 4:line 42).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify REED to include fault determination at the base station, as taught by RAPELI, as both systems relate to wireless communication systems. This is beneficial in that interference characteristics at the particular base station can be used to adjust the coverage area between two or more base stations in a network.

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. REED further discloses in which the control unit is operative to send a response to the base station, the response being an instruction to alter the functioning of the base station (abstract; column 3:lines 25-48), the response being dependent upon the type and location of fault indicated in the report (abstract; column 3:lines 25-48).

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over REED et al (US 5,926,761) in view of RAPELI (US 6,167,237) as applied to claim 1 above, and further in view of SHEFFER (US 5,844,522).

Regarding claims 2 and 3, see the rejections of claim 1 concerning the subject matter this claim is dependant upon. However, the combination of REED and RAPELI do not disclose in which the information of the location is in the form of two dimensional coordinates (X-Y) (claim 2); in which the information of the location is in the form of three dimensional coordinates (X-Y-Z) (claim 3). SHEFFER discloses in which the information of the location is in the form of two-dimensional coordinates (X-Y) (column 3:lines 37-65); in which the information of the location is in the form of three-dimensional

coordinates (X-Y-Z) (column 3:lines 37-65). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of REED and RAPELI to include a map of the location data with 2 or 3 dimensional coordinates, as taught by SHEFFER, as this would allow the network administrator to quickly assess areas of continued interference.

Regarding claim 4, see the rejections of claim 1 concerning the subject matter this claim is dependant upon. REED further discloses the method including indicating the location of the fault (abstract; column 3:lines 26-47). However, the combination of REED and RAPELI does not disclose in which the control unit includes a visual display unit, the method including indicating the location graphically on the visual display unit. SHEFFER discloses in which the control unit includes a visual display unit, the method including indicating the location graphically on the visual display unit (column 4:lines 31-45). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of REED and RAPELI to include a map of the location data with 2 or 3 dimensional coordinates, as taught by SHEFFER, as this would allow the network administrator to quickly assess areas of continued interference.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over REED et al (US 5,926,761) in view of RAPELI (US 6,167,237) as applied to claim 5 above, and further in view of FAUCONNIER (US 202/0183075 A1).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. Although REED suggests the use of a CDMA

system, the combination of REED and RAPELI does not disclose in which the network is at least substantially in accordance with the Universal Mobile Telecommunications System (UMTS) standard, the base transmitter-receiver unit is a Node B and the base station controller is a radio network controller (RNC). FAUCONNIER discloses in which the network is at least substantially in accordance with the Universal Mobile Telecommunications System (UMTS) standard (paragraph 46), the base transmitter-receiver unit is a Node B and the base station controller is a radio network controller (RNC) (paragraph 78). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of REED and RAPELI to design the system using UMTS standards, Node Bs, and RNCs, as both systems relate to communication with mobile terminals dependant on a location. This is beneficial in that UMTS is offers greater coverage and reliability.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing
Art Unit 2683
Patent Examiner

AB

RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
8/12/05